

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**


JOHN WASHINGTON,	:	CIVIL ACTION
Plaintiff,	:	
	:	NO. 10-7103
v.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	
Defendant.	:	

ORDER

AND NOW, this 2nd day of February, 2011, upon consideration of the Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by petitioner, John Washington (Document No. 1, filed December 6, 2010), and the Report and Recommendation of United States Magistrate Judge David R. Strawbridge dated December 20, 2010 (Document No. 3), no objections having been filed, and good cause appearing, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge David R. Strawbridge dated December 20, 2010, is **APPROVED** and **ADOPTED**;
2. The Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus filed by petitioner, John Washington, is **DISMISSED WITHOUT PREJUDICE** to the right of the said petitioner to timely file a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 after exhaustion of state remedies; and,
3. A certificate of appealability will not issue because reasonable jurists would not debate whether the petition states a valid claim of the denial of a constitutional right or this Court's procedural rulings with respect to petitioner's claims. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

BY THE COURT:



JAN E. DUBOIS, J.